

**IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CR 18-14-GF-BMM
)	
STANLEY PATRICK WEBER,)	
)	
Defendant.)	

**MOTION TO DISCLOSE INTENT TO CALL EXPERT WITNESSES
AND DISCOVERY PURSUANT TO RULE 16(a)(1)(F) AND (G),
FED.R.CRIM.P.**

COMES NOW the Defendant, Stanley Patrick Weber, by and through his attorney, Ryan T. Cox, of the law firm of Springer and Steinberg, P.C., and hereby moves this Honorable Court for the entry of an Order directing the United States Government to notify the defense of its intent to call expert witnesses pursuant to Rule 702, 703 or 705, F.R.E., and for each such expert witness, discovery as provided for in Rule 16(a)(1)(F) and (G), Fed.R.Crim.P.

AS GROUNDS THEREFOR, the Defendant states as follows:

1. Fed.R.Crim.P. Rule 16(a)(1)(F) states in pertinent part:

(F) Reports of examinations and tests. Upon a defendant's request, the government must permit a defendant to inspect and to copy or photograph the results or reports of any physical or mental examination and of any scientific test or experiment if:

(i) the item is within the government's possession, custody, or control;

(ii) the attorney for the government knows—or through due diligence could know—that the item exists; and
(iii) the item is material to preparing the defense or the government intends to use the item in its case-in-chief at trial.

2. Fed.R.Crim.P. Rule 16(a)(1)(G) states in pertinent part:

(G) Expert Witnesses. At the defendant's request, the government must give to the defendant a written summary of any testimony that the government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial. ... **The summary provided under this subparagraph must describe the witness's opinions, the bases and reasons for those opinions, and the witness's qualifications.** (Emphasis added.)

3. The material to which the Defendant is entitled pursuant to Rule 16 Fed.R.Crim.P., both with respect to scientific and other expert testimony, is essential to determine whether a challenge to the admissibility of such testimony is appropriate under either *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) or *Kumho Tire v. Carmichael*, 119 S.Ct. 1167 (1999).

4. In order to make a timely request for a hearing under *Daubert* or *Kumho Tire, supra*, or for the services of a chemist or other expert witness to assist the defense, the Defendant requests the Court to direct the Government to provide this information at least sixty (60) days before trial.

WHEREFORE, the Defendant prays for the relief requested, and for such other and further relief as to the Court seems just and proper in the premises.

Dated this 13th day of April, 2018.

Respectfully submitted,

/s/ Ryan T. Cox

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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of April, 2018, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties entered in the case.

/s/ Ryan T. Cox

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